

Remarks

Claims 1, 6, 8, 11, 13 and 19 are pending. All pending claims have been rejected under Section 103 as being obvious over Toyoda (6229884) in view of Hiromutsu JP11-068992. The Office has the burden of showing that the combination of Toyoda and Hiromutsu teach or suggest all claim limitations. MPEP § 2143.

Claim 1 recites determining if electronic scan data is present on a storage device after an interruption in electrical power and, if the electronic data is determined to be present on the storage device after the interruption in electrical power, resuming the transmission of the electronic data to an e-mail server or restarting the transmission of the electronic data to the e-mail server. Claims 8 and 13 contain similar limitations. After acknowledging that Toyoda does not teach these claim elements, the Office states:

"Hiromutsu discloses when a main power supply fails, it is checked whether or not data reception is disabled. When it is detected that he [sic] data sent at present is an electronic mail and when the power failure is recovered, the content of data already sent is displayed (SOLUTION)." Office Action page 3.

Apparently, the Office is asserting that Hiromutsu teaches the above claim elements missing from Toyoda. Any such assertion is not correct.

The language from Hiromutsu relied on by the Office (quoted above) is nearly unintelligible. The Office has provided what is apparently a machine translation of Hiromutsu. Hiromutsu seems to teach determining whether or not a power failure has disabled data reception by the receiving equipment and (1) if data reception by the receiving equipment is disabled, then "control takes over communication interrupt processing", or (2) if data reception by the receiving equipment is not disabled, then "the type of data sent at present is discriminated." What happens for scenario (2) in the case of an email is difficult to tell. According to the SOLUTION in Hiromutsu:

"When it is detected that the data sent at present is an electronic mail, the communication interrupt processing is made after the data transmission sent at present is finished, and information already sent is stored in RAM 2c, and when the power failure is recovered, the content of data already sent is displayed."

The same responsive action is described in the Embodiment of the Invention section of Hiromutsu as follows:

"[0023] When it detects that the data under current transmission are an electronic mail at step (3-2) After making transmission of the data under current transmission complete at a step (3-3), while performing communicative cutting processing at a step (3-4) So that the contents of the data which are already transmitting ending when interruption of service is recovered at a step (3-6), after carrying out storing processing of the information on the data which are already transmitting ending to the other party communication device at RAM2c at the step (3-5) can be displayed After carrying out a preliminary treatment, control is shifted to the head (A) of the drawing 2 Maine flow chart."

Whatever else these passages in Hiromutsu might teach, they do not teach resuming the transmission of electronic scan data to an e-mail server or restarting the transmission of the electronic data to the e-mail server in general, and more specifically they do not teach performing either or these actions in response to determining that the electronic scan data is present on a storage device after the interruption in electrical power. All that can be said for certain of Hiromutsu is that he teaches displaying the content of email data that has already been sent from a transmitting device to a receiving device. This teaching, of course, has no particular relevance to the claimed subject matter.

If the Office disagrees, it is respectfully requested to specifically point out **and explain** the language in Hiromutsu that might somehow reasonably be interpreted as teaching, or even suggesting, (1) determining if electronic scan data is present on a storage device after an interruption in electrical power and (2) if the electronic data is determined to be present on the storage device after the interruption in electrical power, then resuming the transmission of the electronic data to an e-mail server or restarting the transmission of the electronic data to the e-mail server. Absent such a showing, the Office has failed to carry its burden of showing that the combination of Toyoda and Hiromutsu teaches or suggests all claim limitations, as required to establish a prima facie case of obviousness.

The case remains in condition for allowance.

The foregoing is believed to be a complete response to the pending Office
Action.

Respectfully submitted,

/Steven R. Ormiston/

Steven R. Ormiston
Reg. No. 35,974
208.433.1991 x204